

IN THE SENATE OF THE UNITED STATES.

JANUARY 27, 1891.—Ordered to be printed.

Mr. EDMUNDS, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany S. 685.]

The Committee on the Judiciary, to which was referred the bill (S. 685) to define the divisions of the northern district of Florida, and to provide for holding the district and circuit courts therein, and for other purposes, respectfully reports:

That it has considered the same and is of opinion that the same ought not to pass.

It appears to the committee, from evidence and information taken and received concerning certain names for judicial and other appointments in Florida, that the state of things there is such that to make the divisions in the manner and with the consequences stated in the bill would endanger the due administration of justice.

It appeared, in the course of the inquiries relating to the before-mentioned nominations, that in certain parts of that State a condition of things existed—produced from local excitements and local prejudices, as well as political excitements and prejudices—that an impartial jury could not be generally obtained, and that it was necessary for the fair administration of justice that jurors should be obtained not from particular and small divisions of the State, but from the whole district.

Inasmuch, therefore, as there is no provision in the laws of the United States for a change of venue, the committee is of opinion that the subdivision of the State into what is really three distinct judicial districts would endanger the fair and impartial administration of justice.

The committee has been informed and believes it to be true that in the single northern district of Florida, as now constituted, the judicial authorities there have thought fit to have three separate commissioners of juries, one at each of the places of holding court, and three separate and distinct panels of jurors placed in the box from which, at any term, grand and petit jurors are to be drawn, and within the particular counties adjacent to the place of holding court.

This procedure the committee thinks is not authorized by any law of the United States. The committee is of opinion that one single establishment for the putting in the box of names of jurors for the whole district is the only lawful one, and that when such course should be pursued every grand and petit jury in the whole district will be composed of citizens from every part of it and that wherever a trial may be had, at the three places of holding court in that district, there will thus be found the means of obtaining a fair jury. It is therefore recommended that the bill do not pass.